

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TIVO INC.,

Plaintiff,

vs.

1. AT&T INC.;
2. AT&T OPERATIONS, INC.;
3. AT&T SERVICES, INC.;
4. AT&T VIDEO SERVICES, INC.;
5. SBC INTERNET SERVICES, INC.;
6. SOUTHWESTERN BELL TELEPHONE
COMPANY.

Defendants,

and

MICROSOFT CORPORATION,

Intervenor.

Civil Action No. 2:09-CV-259-DF

Jury Trial Demanded

**[PROPOSED] ORDER ON STIPULATION AND JOINT MOTION TO DISMISS
PURSUANT TO RULE 41 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

The Court has considered the Stipulation and Joint Motion To Dismiss Pursuant to Rule 41 of the Federal Rules of Civil Procedure and agreements of the parties filed by Plaintiff TiVo Inc. ("TiVo"), Defendants AT&T Inc., AT&T Operations, Inc., AT&T Services, Inc., AT&T Video Services, Inc., SBC Internet Services, Inc., and Southwestern Bell Telephone Company (the "AT&T Defendants"), and Intervenor Microsoft Corporation ("Microsoft") (collectively, the "Parties"). The motion is hereby GRANTED.

Accordingly, it is ORDERED that the entire action is dismissed in accordance with Rule 41 of the Federal Rules of Civil Procedure and the Parties' Stipulation, as follows:

- a. All of TiVo's claims asserted against the AT&T Defendants in the above-captioned action are dismissed with prejudice;

- b. All of the AT&T Defendants' claims and counterclaims asserted against TiVo in the above-captioned action are dismissed with prejudice;
- c. Microsoft's declaratory judgment claims against TiVo are dismissed without prejudice.
- d. TiVo, the AT&T Defendants, and Microsoft shall each bear their own costs and attorney's fees in the Action; and
- e. The foregoing dismissals are without prejudice to any claims that TiVo is construed to have asserted, or could have asserted, against Microsoft or any other third party.

SIGNED this 6th day of January, 2012.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE